

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,

Plaintiff,

vs.

CDW CORPORATION, NEWEGG
INC., REDCATS USA, INC.,
SYSTEMAX INC., ZAPPOS.COM,
INC., REDCATS USA, L.P., THE
SPORTSMAN'S GUIDE, INC., and
TIGERDIRECT, INC.,

Defendants.

Civil Action No. 6:07-CV-00511-LED

**DECLARATION OF KENT E. BALDAUF, JR. AND APPENDIX TO
DEFENDANT NEWEGG'S SUMMARY JUDGMENT MOTION OF
INVALIDITY AND/OR DENIAL OF PRIORITY CLAIM OF THE '639 PATENT**

I, Kent E. Baldauf, Jr., declare as follows:

1. I am a director and shareholder of the Webb Law Firm. I am counsel for Defendant Newegg, Inc. (“Newegg”) in the above-captioned matter. If called as a witness, I could and would competently testify to all facts within my personal acknowledge.

2. This declaration is submitted in support of Newegg's Motion for Summary Judgment that the Asserted claims of the '639 Patent Are Invalid, or in the Alternative, that the '639 Patent is Not Entitled to Claim the Benefit of the Filing Date of its Parent Application.

3. Attached hereto as Exhibit A, is a true and correct copy of U.S. Patent No. 7,272,639 to Levergood et al., issued on September 18, 2007 (“the ‘639 patent”).

4. Attached hereto as Exhibit B, is a true and correct copy of U.S. Patent No. 5,708,780 to Levergood et al., issued on January 13, 1998 (“the ‘780 patent”).

5. Attached hereto as Exhibit C, is a true and correct copy of an Amendment dated May 15, 2001 filed at the Patent Office in connection with the application which resulted in the ‘639 patent.

6. Attached hereto as Exhibit D, is a true and correct copy of an Amendment dated December 28, 2001 filed at the Patent Office in connection with the application which resulted in the ‘639 patent.

7. Attached hereto as Exhibit E are true and correct copies of excerpted pages from a book by G. Winfield Treese and Lawrence C. Stewart, both named inventors of the ‘639 and ‘780 patents, entitled “Designing Systems for Internet Commerce,” Addison-Welsey (2nd ed. 2003).

8. Attached hereto as Exhibit F is a true and correct copy of an email dated May 19, 1995 from Lawrence Stewart to Bill Dally.

9. Attached hereto as Exhibit G is a true and correct copy of an email dated May 19, 1995 from Bill Dally to Lawrence Stewart.

10. Attached hereto as Exhibit H are true and correct copies of excerpted pages from Soverain’s Responses and Objections to Defendant’s First Set of Interrogatories, served on June 11, 2008.

11. Attached hereto as Exhibit I is a true and correct copy of U.S. Patent No. 5,774,670 to Montulli, filed on October 6, 1995 and issued on June 30, 1998 (“the Montulli patent”).

12. Attached hereto as Exhibit J is a true and correct copy of U.S. Patent No. 5,724,424 to Gifford, filed on November 29, 1995 and issued on March 3, 1998.

13. Attached hereto as Exhibit K is a true and correct copy of a press release dated October 13, 1994, issued by Netscape Communications.

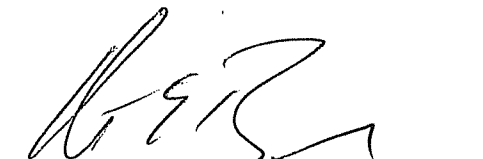
14. Attached hereto as Exhibit L is a true and correct copy of a Declaration filed by Lou Montulli filed in connection with prosecution of U.S. Patent Application Serial No. 08/918,977, which is a divisional application of the Montulli patent attached hereto as Exhibit I.

15. Attached hereto as Exhibit M is a true and correct copy of a document entitled "Persistent Client State HTTP Cookies," which was published by Netscape on its website between December 1994 and January 1995. *See* Exhibit L at page 2, lines 15-19.

16. Attached hereto as Exhibit N is a true and correct copy of an article by David M. Kristol entitled "HTTP Cookies: Standards, Privacy, and Politics," published in 2001.

I declare that the above statements are true and correct to the best of my knowledge, under penalty of perjury of the laws of the United States of America.

Executed August 14, 2009 at Pittsburgh, Pennsylvania.



Kent E. Baldauf, Jr.